

## Department of Permitting and Inspections

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## MEMORANDUM

**To:** The Design Advisory Board  
**From:** Mary O'Neil, AICP, Principal Planner  
**RE:** ZP21-0799CA, 157-159 South Champlain Street  
**Date:** May 11, 2021

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**File:** 21-0799CA  
**Location:** 155-157 South Champlain Street  
**Zone:** FD5 **Ward:** 3C  
**Parking District:** Mixed Use Multi Modal  
**Date application accepted:** March 25, 2021  
**Applicant/ Owner:** Nathan Dagesse  
**Request:** Construct 5 story Multi-family Large building with 32 residential units on vacant lot.



### Background:

- **Non-applicability of Zoning Permit Requirements 13-0071NA;** Demolish historic building pursuant to Sec.3.1.2(c) 9 per Dangerous Building Order. July 2012.
- **VR 2003-037;** Variance to rear yard setback requirements for proposed multi-unit housing project. (151-157 South Champlain Street). Application **denied**, March 17, 2003.

- **Zoning Permit 00-318;** Amend previously approved ZP #00-009 to eliminate rear portion of the commercial structure. New footprint size to be approximately 35'6 x 25'. Previous building footprint to become additional parking with a two foot strip of grass to surround the building. Use of this commercial structure is specifically not included in this application. January 2000.
- **Zoning Permit 00-009;** Remove existing rear addition to the commercial structure, Replacing in-Kind in order to remove contaminated soils. No change in size or coverage or use. July 1999.
- **Request to appear before the Zoning Board of Adjustment** for conversion of 159 South Champlain Street. No further detail. Application withdrawn April 1986.

**Overview:** The applicant proposes a 5 story residential building with 32 units (7 IZ units) on the existing, vacant irregular lot. As this is an identified brownfield, the Phase II investigation has been completed and the Vermont Department of Environmental Conservation (DEC) site manager has agreed that further investigation is not needed. The parcel is poised for a Correction Action Plan (CAP.) That process will continue through review, public comment and implementation. DEC is very interested in seeing this site be redeveloped, and has been a key partner in forwarding this plan.

The project is within Form District 5, so the review is largely administrative. As the applicant is asking for additional height per Section 14.6.4 (f) of the Comprehensive Development Ordinance, a recommendation from the Design Advisory Board is required.

**The Design Advisory Board's role is limited to:**

1. A recommendation relative to the request for additional height above that allowed by administrative authority;

Applicable Standards for Design Advisory Board review:

**Article 14 Downtown Code**

**Section 14.3.5-D Building Height & Bulk (Form District 5)**

**14.3.5-D- BUILDING HEIGHT & BULK**

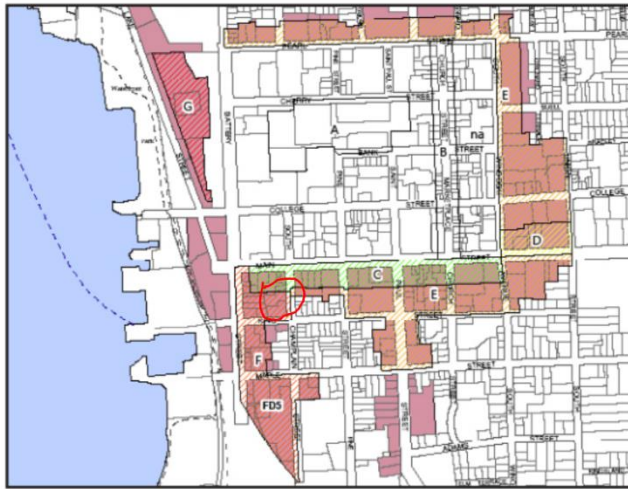
BUILDING HEIGHT <span style="float: right;">A</span>	
Principal Buildings  (See Sec. 14.2.6 Regulating Plan Special Requirements - Map 2 for specific reference areas)	<u>Subject to Administrative Review:</u> <ul style="list-style-type: none"> <li>• 3 Stories min.</li> <li>• 3 Stories max., not to exceed 35-ft in area "F" along Battery St.; otherwise,</li> <li>• 4 Stories max., not to exceed 45-ft; and,</li> <li>• 6 Stories max., not to exceed 65-ft in area "C" along Main St.</li> </ul> <u>Subject to DRB Review per Sec. 14.6.4 f:</u> <ul style="list-style-type: none"> <li>• see below<sup>1</sup></li> </ul>

<sup>1</sup> Subject to Regulating Plan Special Requirements Map 2 (see **Sec. 14.2.6**), any Building with a Principal Frontage in the area identified as:

- "C" may be increased to 10 Stories not to exceed 105-ft.
- "D" may be increased to 8 Stories not to exceed 85-ft.
- "E" may be increased to 6 Stories not to exceed 65-ft.
- "F" may be increased to 5 Stories not to exceed 55-ft.
- "G" may be increased beyond 50-ft from the Lake St. Frontage Line in order to establish a second Frontage along Battery Park Extension of no more than 1 Story not to exceed 20-feet.

Additional height granted by the DRB per **Sec. 14.6.5-d** must not extend into a 45-degree angular plane projecting over the property measured from a height of 35 feet at any required side or rear setback along a Form District boundary shared with a residential district.

The subject parcel is within the area identified as "F" on Map 2 – *Specific Height Areas* and is



THE DIAGRAM ABOVE IS AN EXCERPT OF REGULATING PLAN SPECIAL REQUIREMENTS MAP 2 - SPECIFIC HEIGHT AREAS. (SEE SEC. 14.2.6)

therefore eligible to request of the DRB building height up to 55'. In addition, Section 5.2.6 (b) allows the administrative officer a 5% increase in building height to accommodate changing grades of the site.

*6. The administrative officer may allow for up to a 5% variation in the maximum building height to account for grade changes across the site. In no event however, shall such additional height enable the creation of an additional story beyond the maximum permitted.*

The proposed building height is 57', is within the DRB allowance (55') with

consideration of the additional 5% (2.75') allowable per 5.2.6 (b). No additional stories are proposed above the 5 story limitation with DRB approval.



#### Section 14.6.4 Building Height

##### (f) Design and Public Space Standards Required for Additional Building Height

*i. Design Standards: The maximum building height and mass is permitted By Right by the underlying Form District, as may be modified by the chosen Building Type and Frontage Type. However, there are a number of ways that building shape, articulations, and choice of materials can be used to reduce the perceived height and mass of taller buildings, and ensure a high quality of design that complements the character of the Downtown and Waterfront area. After consultation with **the Design Advisory Board** and a Public Hearing, the Development Review Board shall evaluate any proposal seeking additional Building height under each of the following additional design standards, and find affirmatively that:*

- a. The proposed building presents a design that emphasizes slender, vertically-oriented proportions to assure a rich visually interesting experience as viewed within the context of the downtown skyline; reinforces opportunities for establishing points of reference for visual orientation; and provides visual interest and human scale at the pedestrian level through the use of a variety of scales, materials, fenestration, massing, or other architectural design techniques;*

From the applicant: To mitigate the impact of the requested additional 2'-0" of building height beyond the allowed 55' the primary façade along South Champlain Street is broken up into (3) bays with the middle bay broken up again into (3) smaller bays or vertically oriented segments. The north and south bays are stepped back 11'-7". The thin projecting terraces, horizontally delineated in these bays (the north terraces projecting past the north façade) further erode the northeast and southeast corners of the building reducing the perceived mass and height. The middle bay maintains vertically oriented proportions by cladding the center of the middle bay with a light granite flanked by north and south bays of dark brick. Visual interest is created by the contrasting materials and the relief provided by the detailing of the material and the projecting sills and lintels. The higher percentage of windows (void), the larger size of the windows and the stepped back first floor further help to reduce the perceived height of the building.

*and,*

- b. Upper story proportions of the building are oriented and tapered and/or separated into separate masses in order to retain sky view between individual building elements from the public thoroughfare.*

See above. There is a parking area immediately south of this parcel, and a building of smaller volume immediately north; providing opportunities for sky view between individual building elements from the public thoroughfare.

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*ii. Active Public Space and Restrooms*

*A minimum of 20 sf/1,000 sf of the gross floor area above 85 feet shall be dedicated to active and publicly accessible upper story rooftops and terraces, and/or street-level public restrooms as follows:*

- a. Upper story rooftops and terraces must incorporate active public use such as outdoor dining with seating or other uses and activities that invite use by the public, and be located above the 7<sup>th</sup> floor. At least 25% of the space must be accessible to the general public during all regular business hours without expectation of payment or purchase.*

The building does not include floor area above 85'. Not applicable.